

EXHIBIT 5

JUDD J. BALMER, ESQ., LTD.
A Nevada Professional Corporation

NOTC
JUDD J. BALMER, ESQ.
NEVADA BAR NO. 006212
JUDD J. BALMER, ESQ., LTD.
A Nevada Professional Corporation
6362 McLeod Drive, Suite 6
Las Vegas, Nevada 89120
T: (702) 642-4200
F: (702) 642-4300
E: jbalmer@balmerlawfirm.com
*Attorneys for Defendant MATTHEW A. CATHCART
and CHERYLE T. CATHCART*

**UNITED STATES DISTRICT COURT
DISTRICT NEVADA**

UNIVERSAL NORTH AMERICA
INSURANCE COMPANY,

Case No.: 2:13-cv-01767-RCJ-GWF

Plaintiff,

vs.

MATTHEW A. CATHCART, individually;
CHERYLE T. CATHCART, individually; and
JOHN DOES 1-100, inclusive, and JANE
ROES 1-20, inclusive,

Defendants.

AMENDED NOTICE OF TAKING DEPOSITION

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE Defendants/Counterclaimants/Third-Party Plaintiffs
MATTHEW A. CATHCART and CHERYLE T. CATHCART will take the deposition of the
following witness on the date and time below:

<u>DEPONENT</u>	<u>DATE</u>	<u>TIME</u>
FRCP 30(b)(6) Witness for Universal North America Insurance Company	February 26, 2016	9:00 AM

1 Said deposition will take place at 6362 McLeod Drive, Suite 6, Las Vegas, Nevada
2 89120, upon oral examination, pursuant to Rule 30 of the Federal Rules of Civil Procedure,
3 before a Notary Public or before some other officer authorized by law to administer oaths. The
4 deponents are required to bring the following items to their deposition:

- 5 1. Universal North America Insurance Company's entire claims file for this case;
- 6 2. All correspondence; including emails and electronic data, regarding this case;
- 7 3. Deponent's current resume or curriculum vitae; and
- 8 4. All Universal North America Insurance Company's claims manuals utilized in the
9 investigation, adjustment, and handling of the claims involved in this action.

10 You are invited to attend and cross-examine.

11 DATED this 18th day of February, 2016.

12 JUDD J. BALMER, ESQ., LTD.
13 *A Nevada Professional Corporation*

14 By: /s/ Judd J. Balmer
15 JUDD J. BALMER, ESQ.
16 Nevada Bar No. 006212
17 6362 McLeod Drive, Suite 6
18 Las Vegas, Nevada 89120
19 T: (702) 642-4200
20 F: (702) 642-4300
21 E: jbalmer@balmerlawfirm.com
22 *Attorneys for CATHCARTS*

CERTIFICATE OF SERVICE

I am an employee of the Law Firm of Judd J. Balmer, Esq., Ltd., in the County of Clark, State of Nevada. I am over the age of 18, and not a party to the within action. My business address is 6362 McLeod Drive, Suite 6, Las Vegas, Nevada 89120.

On the date indicated below, I served the foregoing document(s) described as: **AMENDED NOTICE OF TAKING DEPOSITION** on the interested parties as follows:

WALTER R. CANNON, ESQ.
OLSON CANNON GORMLEY ANGULO &
STOBERSKI
9950 WEST CHEYENNE AVE.
Las Vegas, Nevada 89129
Fax: (702) 383-0701
E-mail: wcannon@ocgas.com
Attorneys for Plaintiff **UNIVERSAL**
NORTH AMERICA INSURANCE
COMPANY

- ☐ **(BY MAIL)** On the ____ day of _____, 2016, I placed the document(s) in sealed envelope(s) addressed as set forth above and caused such envelope(s) to be deposited in the mail in Clark County, Nevada. The envelope(s) was/were mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business.
- ☐ **(BY OVERNIGHT MAIL)** On the ____ day of _____, 2016, I placed the document(s) in sealed envelope(s) addressed accordingly and caused such envelope(s) to be deposited in the delivery box regularly maintained by OVERNITE EXPRESS, in an envelope package designated by OVERNITE EXPRESS with delivery fees paid or provided for addressed as set forth above.
- ☒ **(BY FACSIMILE SERVICE)** On the 18th day of February, 2016, from facsimile machine telephone number (702) 642-4300, I caused the above-listed document(s) to be transmitted by facsimile to the person(s) and number(s) listed above, and that transmission was reported as complete and without error.
- ☐ **(BY ELECTRONIC SERVICE)** On the ____ day of _____, 2016, the foregoing document was served on All Parties on the E-Service List.

I declare under penalty of perjury under the laws of the state of Nevada that the foregoing is true and correct.

Executed this 18th day of February, 2016, at Las Vegas, Nevada.

/s/ Jessica A. Lopez

An Employee of Judd J. Balmer, Esq., Ltd.

TRANSACTION REPORT

FEB/18/2016/THU 11:51 AM

AX(TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	FEB/18	11:50AM	7023830701	0:00:38	3	MEMORY OK	SG3 6760

1 NOTIC
 2 JUDD J. BALMER, ESQ.
 3 NEVADA BAR NO. 006212
 4 JUDD J. BALMER, ESQ., LTD.
 5 *A Nevada Professional Corporation*
 6 6362 McLeod Drive, Suite 6
 7 Las Vegas, Nevada 89120
 8 T: (702) 642-4200
 9 F: (702) 642-4300
 10 E: jbalmer@balmerlawfirm.com
 11 Attorneys for Defendant MATTHEW A. CATHCART
 12 and CHERYLE T. CATHCART

13 UNITED STATES DISTRICT COURT
 14 DISTRICT NEVADA

15 UNIVERSAL NORTH AMERICA
 16 INSURANCE COMPANY

Case No. 2:13-cv-01767-RFB-GWF

17 Plaintiff,

18 vs.

19 MATTHEW A. CATHCART, individually;
 20 CHERYLE T. CATHCART, individually; and
 21 JOHN DOES 1-100, inclusive, and JANE
 22 ROES 1-20, inclusive,

23 Defendants.

24 **AMENDED NOTICE OF TAKING DEPOSITION**

25 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

26 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE Defendants/Counterclaimants/Third-Party Plaintiffs
 MATTHEW A. CATHCART and CHERYLE T. CATHCART will take the deposition of the
 following witness on the date and time below:

DEPONENT

DATE

TIME

FRCP 30(b)(6) Witness for Universal North

February 26, 2016

9:00 AM